

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Civil Action No. 4:20-cv-00957-SDJ

**DEFENDANT GOOGLE’S OPPOSED MOTION
FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING**

Pursuant to Local Rule CV-7(k), Google respectfully seeks leave to supplement the briefing on its Rule 12(b)(1) motion. The 3-page supplement is attached as Exh. A.

Google submits the supplement to assist the Court in assessing Plaintiffs’ recently confirmed change in positions on remedies. *See* Plf. States’ Advisory Regarding Relief Sought (Apr. 11, 2024), ECF No. 366. By dropping more bids for restitution, disgorgement, and damages, Plaintiffs bring into focus their failure to establish concrete harm needed for Article III standing. This new development is good cause to file a short supplement in advance of Thursday’s argument. *See* Def. Google’s Partly Opposed Mot. for Leave to Exceed Page Limit and an Extension of Time (Feb. 26, 2024), ECF No. 267 (recounting Plaintiffs’ shifting positions). Indeed, this Court recognized that such a supplement was a “possibility.” *See* Tr. of Mar. 21, 2024 Status Conf. at 52:17–53:1.

For the reasons set forth above, the Motion should be granted.

Dated: April 15, 2024

Respectfully submitted,

/s/ R. Paul Yetter

R. Paul Yetter

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ATTORNEYS FOR GOOGLE LLC

CERTIFICATE OF SERVICE

I certify that on April 15, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ R. Paul Yetter

R. Paul Yetter

CERTIFICATE OF CONFERENCE

I certify that the meet and confer requirements in Local Rule CV-7(h) have been met. Google's counsel Samuel Rossum conferred with Plaintiffs' counsel by email on April 12, 2024. Plaintiffs' counsel asked for an April 15 conference, at which they relayed that they do not agree that Google may supplement its motion to dismiss.

/s/ R. Paul Yetter

R. Paul Yetter